

**REMARKS**

The outstanding issues in the instant application are as follows:

- Claims 1 – 20 are rejected under 35 U.S.C. § 103(a); and
- Claims 1 – 23 are rejected under 35 U.S.C. § 112, second paragraph.

Applicants hereby traverse the outstanding rejections and request reconsideration and withdrawal in light of the remarks contained herein. Claims 1 – 20 are pending in this application.

**I. REJECTIONS UNDER 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,442,567 (hereinafter, *Retallick*) in view of U.S. Patent No. 6,330,551 (hereinafter, *Burchetta*). Applicants respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection.

Amended claim 1 recites a look-up wherein at least one of a first set of attribute-value pairs is displayed to the negotiating party. Claim 1 further recites one or more counters wherein if a failed negotiation is not declared then at least one of a second set of attribute-value pairs is displayed to the negotiating party. Support for the amendments to claim 1 can be found in the specification, at least, at p. 4, lns 24 – 30 and at p. 5, ln 20 – p. 6, ln 7. No new matter was added. The references, alone or in combination, fail to teach or suggest these limitations and others in the claim.

Amended claim 17 recites displaying to a second negotiating party the set of attribute-value pairs and displaying to the second negotiating party the first negotiating party's proposal. Support for the amendments to claim 17 can be found in the specification, at least, at p. 4, lns 24 – 30 and at p. 5, ln 20 – p. 6, ln 7. No new matter was added. The references, alone or in combination, fail to teach or suggest these limitations and others in the claim.

Amended claim 20 recites a display to the second negotiating party of a first set of the plurality of attribute-value pairs of the advertisement and a display to the second negotiating party of the second set of attribute-value pairs of the advertisement. Support for the amendments to claim 20 can be found in the specification, at least, at p. 4, lns 4 – 17

and 24 – 30 and at p. 5, ln 20 – p. 6, ln 7. No new matter was added. The references, alone or in combination, fail to teach or suggest these limitations and others in the claim.

Dependent claims 2-16 and 18-19 depend directly or indirectly from their respective base claims 1 and 17 and thereby inherit all of the respective limitations. Accordingly, it is respectfully submitted that dependent claims 2-16 and 18-19 are allowable based on, at least, their dependency from independent base claims 1 and 17 for the reasons discussed above.

## II. REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1 – 23 stand rejected under 35 U.S.C. § 112, second paragraph as failing to point out and distinctly claim what Applicants regard as the invention. Because the present application only has 20 claims, Applicants assume that the Examiner intended to reject only claims 1 – 20. Furthermore, the Examiner has failed to comply with M.P.E.P. § 706 in making his rejections. As such, the Examiner has failed to provide Applicants a fair opportunity to submit an adequate response to the § 112, second paragraph rejection of record. Applicants, therefore, request that the Examiner either withdraw the rejection or provide clear reasoning for such rejection.

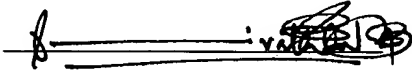
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10992554-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV256033518US, in an envelope addressed to: MS Non-Fee Amendments, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: July 28, 2003

Typed Name: John Pallivathukal

Signature: 

Respectfully submitted,

By 

Thomas J. Meaney  
Attorney/Agent for Applicants  
Reg. No.: 41,990

Date: July 28, 2003

Telephone No. (214) 855-8230